

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
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UNITED STATES OF AMERICA, :
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Plaintiff, :
:
-against- :
:
DOMINICK MEMOLI, :
Defendant, :
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07 Cr. 907-03 (LGS)
16 Civ. 4152 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS on June 3, 2016, Defendant Dominick Memoli filed a Motion to Vacate under 28 U.S.C. § 2255. (the “Motion”) (Dkt. No. 190).

WHEREAS this matter remained stayed pending decisions in *Johnson*, *Beckles*, *Hill*, *Barrett*, and *Davis*.

WHEREAS the parties are in agreement that: (i) the Court should vacate Defendant Memoli's § 924(c) conviction (and accompanying 84-month sentence) in light of *Davis*; (ii) he is not a Career Offender under the applicable Sentencing Guidelines; and (iii) the Court has the authority to reduce the 3-year term of supervised release to compensate for the extra prison time the defendant served. (Dkt. No. 240).

WHEREAS Defendant Memoli has served the custodial term imposed in the Court's Judgment dated November 21, 2018 and is currently serving a 3-year term of supervised release, which is due to conclude July 18, 2022. (Dkt. No. 156).

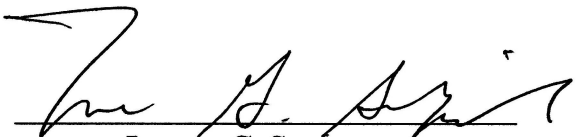
WHEREAS this Court has considered the Motion and the parties' respective arguments in support of resentencing in light of *Davis*. It is hereby

ORDERED the Judgment dated November 21, 2018 is VACATED. An amended judgment will issue reflecting a custodial term of TIME SERVED with no period of supervised

release. Except as otherwise provided, all provisions of the November 21, 2018, judgment shall remain in effect.

The Clerk of the Court is directed to terminate docket number 190 in 07 Cr. 907 (LGS) and to close 16 Civ. 4152 (LGS).

Dated: January 9, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE